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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,129	01/13/2004	Jerry W. Malcolm	AUS920031036US1	3162

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EXAMINER
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BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

NOTIFICATION DATE	DELIVERY MODE
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07/09/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

<b>Office Action Summary</b>	<b>Application No.</b> 10/756,129	<b>Applicant(s)</b> MALCOLM ET AL.	
	<b>Examiner</b> Bharat N. Barot	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**RESPONSE TO AMENDMENT**

1. Original claims 1-33 remain for further examination.

**The new grounds of rejection**

2. Applicants' arguments with respect to claims 1-33 filed on February 15, 2008 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

**Claim Rejections - 35 USC § 103(a)**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-33 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Pinard et al (U.S. Patent No. 6,526,042) in view of Ludwig et al (U.S. Patent No. 5,617,539).

5. As to claim 1, Pinard et al teach a method comprising: receiving information associated with a telephone call involving a first party and a second party; and allocating a storage space that is accessible by at least one of the first party and the second party based on at least a portion of the received information (see abstract; figure 1; and column 1 line 64 to column 2 line 44).

However, Pinard et al do not teach that allowing at least one of the first party and second party to provide electronic information intended for the other party using the storage space.

Ludwig et al a method comprising: allowing at least one of the first party and second party to provide electronic information intended for the other party using the storage space (figures 31A-C; and column 30 line 35 to column 33 line 45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Ludwig et al stated above in the method of Pinard et al because it would have improved a distributed multimedia collaboration environment that achieved the benefits of one-to-one collaboration (more efficient and reliable audio/video conference system).

6. As to claim 2, Pinard et al teach that allocating the storage space associated with a server on the Internet, and wherein the storage space is accessible by both the first party and the second party (figure 1; and column 1 line 64 to column 3 line 2).

7. As to claim 3, Pinard et al teach that receiving at least one of information associated with a name of a calling party, information associated with a name of a called party, information associated with a telephone number from which the telephone call originates, information associated with a telephone number to which the telephone call is made, information associated with a time of the telephone call, and information associated with a date of the telephone call (column 2 lines 39-63).

8. As to claims 4-5, Ludwig et al teach that defining an electronic folder for each telephone call made by at least one of the first party and the second party, wherein each electronic folder is adapted to store electronic information that is exchanged by the first and second party during that call; and allowing the second party to provide electronic information intended for the first party using the storage space (figures 31A-C; and column 30 line 35 to column 33 line 45).

9. As to claims 6-7, Ludwig et al teach that determining if at least one of the first party and second party is authorized to access the storage space and wherein the act of allocating the storage space comprises allocating the storage space based on determining that at least one of the first party and second party is authorized to access the storage space (figures 29-30; and column 28 line 20 to column 29 line 38); and suggest that determining if at least one of the first party and the second party is on a call block list and determining if at least one of the first party and the second party is a subscriber (figures 3 and 21; and column 20 line 5 to column 21 line 45).

10. As to claim 8, Pinard et al teach that the telephone call is managed by a service provider, and wherein receiving the information comprises at least one of receiving the information provided by the service provider and accessing caller identification information associated with the telephone call (figure 1; and column 1 line 64 to column 3 line 2).

11. As to claim 9, Ludwig et al teach that the telephone call is a conference call, and wherein the act of receiving comprises receiving the information associated with the conference call involving the first party, the second party, and a third party (column 24 line 18 to column 26 line 30; and column 37 line 48 to column 38 line 15).

12. As to claim 10, Ludwig et al teach that creating an electronic folder associated with each of the first party and the second party and further associating the two electronic folders with each other (column 33 line 48 to column 35 line 46).

13. As to claim 11, Ludwig et al teach that allowing at least one of the parties to provide at least one of a text file, a graphics file, a video file, an audio file, and a multimedia file (figures 29-30; column 8 lines 40-53; and column 27 line 61 to column 29 line 38).

14. As to claim 12, Pinard et al teach that the storage space is associated with a remotely located server, and allowing the first party to upload an electronic file to the storage space by at least one of dragging and dropping the electronic file in a selected window and transferring the electronic file using a desirable file transfer protocol (see abstract; figure 1; and column 1 line 64 to column 3 line 2).

15. As to claims 13-19, they are also rejected for the same reasons set forth to rejecting claims 1-12 above, since claims 13-19 are merely a program product for the method of operations defined in the claims 1-12.

16. As to claims 20-27, they are also rejected for the same reasons set forth to rejecting claims 1-12 above, since claims 20-27 are merely an apparatus for the method of operations defined in the claims 1-12.

17. As to claims 28-30, they are also rejected for the same reasons set forth to rejecting claims 1-2 and 12 above, since claims 28-30 are merely an apparatus for the method of operations defined in the claims 1-2 and 12.

18. As to claims 31-33, above remarks rejecting claim 1 equally apply here. Additionally, Ludwig et al teach that accessing the storage space comprises gaining access to a sever by providing login information and accessing an electronic folder to which both the first party and the second party have access (figures 23 and 31s; column 21 line 48 to column 23 line 52; and column 30 line 35 to column 33 line 45).

#### **Response to Arguments**

19. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

#### **Additional Reference**

20. The examiner as of general interest cites the following reference.

- a. Roach, Jr., U.S. Patent No. 6,018,577.



**Contact Information**

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

/Bharat N Barot/

Primary Examiner, Art Unit 2155

June 24, 2008